

**THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF TEXAS  
AUSTIN DIVISION**

	§	
UNITED STATES OF AMERICA,	§	
	§	
Plaintiff,	§	
v.	§	
	§	Civil No. 1:21-cv-796
THE STATE OF TEXAS,	§	
	§	
Defendant.	§	

**UNITED STATES' MOTION TO EXCEED PAGE LIMITATIONS**

Pursuant to Local Rule CV-7(B), the United States respectfully requests leave to file a brief that exceeds the page limit set forth in Local Rule CV-7(E)(3). The Government seeks leave to file a 41 page Reply Memorandum in Support of Emergency Motion for a Temporary Restraining Order or Preliminary Injunction. In support of this motion, the Government states as follows:

1. On September 14, 2021, the United States filed its Emergency Motion for a Temporary Restraining Order or Preliminary Injunction requesting an order enjoining Texas's Senate Bill 8, 87th Leg., Reg. Sess. (Tex. 2021) ("S.B. 8") (to be codified at Tex. Health & Safety Code §§ 171.203(b), 171.204(a)). *See* United States' Emergency Motion for a Temporary Restraining Order or Preliminary Injunction, ECF No. 6-1 (Sept. 14, 2021). The motion seeks to enjoin the effect of the law on numerous legal grounds including that S.B. 8 was enacted in violation of the Supremacy Clause and the Fourteenth Amendment and that S.B. 8 prevents the very individuals it injures from vindicating their rights through the ordinary process of judicial review.

2. Texas and several intervenors have responded to the United States' motion. *See* Defendant's Motion to Dismiss, Response to Plaintiffs' Motion for a Preliminary Injunction, and Motion for Stay Pending Appeal, ECF No. 43 (Sept. 29, 2021); Intervenors' Response to the United

States' Motion for Preliminary Injunction, ECF No. 44 (Sept. 29, 2021); Intervenor Oscar Stilley's Response in Opposition to the United States' Motion for Temporary Restraining Order or Preliminary Injunction, ECF No. 48 (Sept. 29, 2021). The additional pages are needed so that the United States adequately can address the arguments raised in these filings.

3. The parties will not be prejudiced by this relief. Texas's response also was over-length.

4. Pursuant to Local Rule CV-7(G), undersigned counsel conferred with counsel for the State of Texas and for intervenors in a good faith attempt to resolve this motion by agreement, and counsel for the State indicated that the State is not opposed to the requested relief. Mr. Stilley indicated he was not opposed to the requested relief. Intervenors' counsel did not respond.

WHEREFORE, the United States respectfully requests that this Court grant it leave to file a 41-page reply brief in support of its Emergency Motion for a Temporary Restraining Order or Preliminary Injunction. A proposed order is attached.

Dated: October 1, 2021

Respectfully submitted,

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**CERTIFICATE OF CONFERENCE**

Pursuant to Local Rule CV-7(G), undersigned counsel conferred with counsel for the State of Texas and for intervenors in a good faith attempt to resolve this motion by agreement, and counsel for the State indicated that the State is not opposed to the requested relief. Mr. Stilley indicated he was not opposed to the requested relief. Intervenors' counsel did not respond.

/s/ Lisa Newman  
Lisa Newman

*Counsel for the United States*